



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3644-00
17 November 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 21 June 1981 at the age of 18. Your record reflects that you served for a year and five months without incident but on 10 November 1982 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded a \$200 forfeiture of pay and reduction to paygrade E-2. Approximately five months later, on 25 April 1983, you received NJP for failure to go to your appointed place of duty. The punishment imposed was forfeitures totalling \$100 and restriction and extra duty for 14 days. On 26 July 1983 you received NJP for disrespect and two incidents of communicating a threat. The punishment imposed was a \$100 forfeiture of pay and reduction to paygrade E-2.

Your record further reflects that on 8 February and again on 7 March 1984 you received NJP for drunkenness and a four day period unauthorized absence (UA). Subsequently, you were processed for an administrative separation action by reason of misconduct due to a pattern of misconduct. It appears that when you were advised of this action, you waived the right to present your case

to an administrative discharge board. The discharge authority then directed your commanding officer to issue you an other than honorable discharge by reason of misconduct and on 20 April 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and good post service conduct. The Board further considered your contentions that two of the NJPs you received were unjust, and had you not received them, you would have received an honorable discharge. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in five NJPs. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director